

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EDWARD J. MONAHAN and U.S. POSTAL SERVICE,
POST OFFICE, Arvada, CO

*Docket No. 02-1305; Submitted on the Record;
Issued October 1, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
MICHAEL E. GROOM

The issue is whether appellant's right shoulder condition after January 19, 1999 is causally related to his federal employment.

On January 15, 2001 appellant, then a 51-year-old letter carrier, filed a claim asserting that he injured his right shoulder in the performance of his duties between January 19 and October 1999.¹ He explained that after a left shoulder injury on January 19, 1999 he overcompensated with his right shoulder by pulling all mail with one arm, casing mail for inordinate amounts of time and sorting parcel post with one arm.

On April 24, 2001 the Office of Workers' Compensation Programs requested additional information, including a comprehensive medical report providing a doctor's reasoned opinion on the cause of appellant's diagnosed condition.

A December 29, 1994 report from Dr. Andrew Lum, an internist, indicated that appellant's diagnosed right shoulder condition was impingement syndrome. Dr. Lum stated: "[Appellant] relates the symptoms to his work at the [employing establishment]." On September 25, 1997 Dr. David E. Gladu, an orthopedist, diagnosed appellant's right shoulder condition as a rotator cuff tear.

On May 17, 2001 Dr. Jonathan Gordon, a family practitioner, reported as follows:

"[Appellant] has been under my care for a right rotator cuff tear noted on MRI [magnetic resonance imaging] from 1996. During his previous employment as a postal worker in which he was using his right shoulder to sort mail, he aggravated his underlying medical condition and is no longer working with the [employing establishment] since June 2000. Symptoms persist, but are controllable with

¹ The record indicates that appellant has another claim for his right shoulder which was accepted for the condition of impingement syndrome.

avoidance of certain repetitive motions. [Appellant] feels he cannot return to his previous work, as it would definitely aggravate his rotator cuff symptoms.

“This letter is to confirm the diagnosis of a right rotator cuff tear controlled with conservative measures, and to agree with [appellant] that, by returning to his previous employment which requires repetitive motion of his right shoulder, would aggravate his underlying right rotator cuff tear.”

In a decision dated June 5, 2001, the Office denied appellant’s claim for compensation on the grounds that the medical evidence was insufficient to establish that his condition was caused by the employment factor. The Office found that Dr. Gordon’s May 17, 2001 report did not support that appellant’s right rotator cuff tear was caused by his federal employment and did not medically support the reason appellant would continue to have difficulties after employment ceased in June 2000.

Appellant requested a review of the written record by an Office hearing representative. He argued his case but submitted no additional medical evidence.

In a decision dated February 4, 2002, the hearing representative affirmed the Office’s June 5, 2001 denial of appellant’s claim for compensation. The hearing representative noted that Dr. Gordon provided no findings to support that appellant aggravated his underlying medical condition by using his right shoulder to sort mail. Further, Dr. Gordon did not indicate that appellant’s condition prevented him from doing the limited duty he was doing prior to his retirement and he seemed to base his opinion on appellant’s own assessment of disability rather than on objective findings.

The Board finds that appellant has not met his burden of proof to establish that his right shoulder condition after January 19, 1999 is causally related to his federal employment.

An employee seeking benefits under the Federal Employees’ Compensation Act² has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.³

The Office accepts that appellant experienced a specific event, incident or exposure at the time, place and in the manner alleged. Appellant’s duties as a letter carrier are not in dispute. Following his left shoulder injury on January 19, 1999, he used his right arm to pull and case mail and to sort parcel post. To establish fact of injury, he must establish that these employment factors caused an injury.

² 5 U.S.C. §§ 8101-8193.

³ See *Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). See generally *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

Causal relationship is a medical issue,⁴ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁵ must be one of reasonable medical certainty,⁶ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁷

The December 29, 1994 report of Dr. Lum, the internist, does not provide the doctor's opinion on causal relationship. It reports appellant's opinion, which is insufficient to resolve a medical issue.

In his May 17, 2001 report, Dr. Gordon, the family practitioner, stated that appellant aggravated his underlying right rotator cuff tear during his employment as a postal worker "in which he was using his right shoulder to sort mail." He acknowledged that appellant's employment required repetitive motion. This report appears to support appellant's claim but is insufficient to discharge his burden of proof. It is not clear, initially, whether Dr. Gordon is expressing his professional opinion on the issue of causal relationship or, like Dr. Lum, is merely repeating the history that appellant related to him. Assuming the former, however, Dr. Gordon failed to support his opinion with sound medical reasoning. He reported no clinical findings to demonstrate a worsening of appellant's right shoulder condition after January 19, 1999 and offered no medical explanation for attributing any such worsening to the sorting of mail at work.

The Board has held that medical conclusions unsupported by rationale are of little probative value.⁸ Because Dr. Gordon's May 17, 2001 report lacks medical rationale, it is of little probative value to establish that appellant's right shoulder condition after January 19, 1999 is causally related to his federal employment.

⁴ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁵ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁶ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁷ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁸ *Ceferino L. Gonzales*, 32 ECAB 1591 (1981); *George Randolph Taylor*, 6 ECAB 968 (1954).

The February 4, 2002 and June 5, 2001 decisions of the Office of Workers' Compensation Programs are affirmed.

Dated, Washington, DC
October 1, 2002

Alec J. Koromilas
Member

Colleen Duffy Kiko
Member

Michael E. Groom
Alternate Member